

IN THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT
OF ALABAMA
JUN 23 2007
EASTERN DIVISION

CHRISTOPHER McCULLOUGH, X
PETITIONER X CASE NO
V.
X 3:07-CV-71-WHA
STATE OF ALABAMA,
RESPONDENT, X
X
X

AFFIDAVIT OF CHRISTOPHER McCULLOUGH

STATE OF ALABAMA }
County of Jefferson }
} }
}

BEFORE ME, THE UNDERSIGNED AUTHORITY
AND NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE AT LARGE, PERSONALLY
APPEARED CHRISTOPHER McCULLOUGH, WHO
BEING KNOWN TO ME AND BEING BY ME
FIRST DULY SWORN ON OATH DEPOSES AND
SAYS AS FOLLOWS:

① My NAME IS CHRISTOPHER McCULLOUGH. I
AM OVER NINETEEN AND COMPETENT
TO MAKE THIS STATEMENT.

Charles W. Story
Circuit Clerk
Chambers County Courthouse
LaFayette, AL 36862

MONTGOMERY AL 361

28 NOV 2006 MPA E.L.

UNITED STATES DISTRICT COURT



5,004
PAGE (2)

(EXHIBIT B.)

35023/7223

double
side

EXHIBIT C)

Dear Mr. [redacted] and Mrs. [redacted]

Concerning the above Re: [redacted]
I would like to say the following:

My [redacted] is a good man and a good father.

He is a good husband and a good son.

He is a good brother and a good friend.

He is a good neighbor and a good citizen.

He is a good son-in-law and a good father-in-law.

He is a good husband and a good father.

He is a good brother and a good friend.

He is a good neighbor and a good citizen.

He is a good son-in-law and a good father-in-law.

He is a good husband and a good father.

He is a good brother and a good friend.

He is a good neighbor and a good citizen.

He is a good son-in-law and a good father-in-law.

He is a good husband and a good father.

He is a good brother and a good friend.

He is a good neighbor and a good citizen.

He is a good son-in-law and a good father-in-law.

He is a good husband and a good father.

He is a good brother and a good friend.

He is a good neighbor and a good citizen.

He is a good son-in-law and a good father-in-law.

He is a good husband and a good father.

He is a good brother and a good friend.

He is a good neighbor and a good citizen.

On 8-8-04 you filed a Rule 32 in CC 02-
304-60 e No Ruling as of yet -

In CC 02 318.60 Your petition was filed on 3-29-04
And denied on 9-26-05. ~~_____~~

Tal CC 02 318.61 Denied on 9-26-05

(SCHABTAC)

174909 3-69 cell
W.E. Donaldson 100 Warrior Ln.
Bessemer, AL 35023

AS AN RESPONSE TO JAMES OLIVER AND
MR. CHARLES STORY AFFIDAVITS I SUBMIT
THIS EXHIBIT TO VERIFY MY AFFIDAVIT
AND ALLEGATION OF THE TIME FRAME THAT
I SENT LEGAL MAIL TO THE CHAMBERS
COUNTY CIRCUIT CLERK CHARLES W. STORY
AND RECEIVED IT THROUGH THE DONALDSON
CORRECTIONAL FACILITY MAIL ROOM.

THIS LETTER THAT I RECEIVED WAS
STAMPED SAYING NOVEMBER 28, 2006 WHEN IT
REACHED MONTGOMERY, ALABAMA AND WHEN
IT GOT TO THE DONALDSON CORRECTIONAL
FACILITY I RECEIVED IT ON DECEMBER 1, 2006
THE LETTER INSIDE WILL BE VERIFIED
AS EXHIBIT (C) THIS DISCLOSES THAT
I DID RECEIVE SUCH INFORMATION FROM
CHARLES W. STORY CIRCUIT CLERK OF
CHAMBERS COUNTY AND THE REASON THAT
IT IS NOT ON RECORD IS THAT HE SENT
HIS RESPONSE TO MY LETTER ON BACK OF THE
SAME LETTER THAT I HAD SENT HIM. I
DO VERIFY THAT THE CASE NUMBERS AND
INFORMATION WITH THEM ARE MR. CHARLES
W. STORY HANDWRITINGS SO IS MY NAME
AND PERSON ADDRESS IS IN HIS HANDWRITTING

IN THE CIRCUIT COURT OF CHAMBERS COUNTY, ALABAMA

STATE OF ALABAMA)

) VS.

CHRISTOPHER McCULLOUGH)

CASE NO. CC-02-318

ORDER

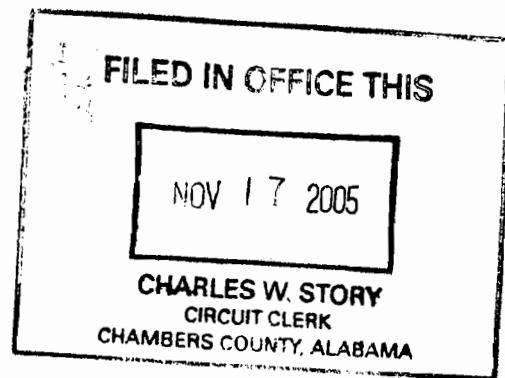
After consideration of submissions from State and Defense, Defendant's Petition For Relief From Conviction Or Sentence is DENIED.

Let a copy of this Order issue to the defendant and the District Attorneys Office.

Signed this the 17th day of November, 2005.

Ray D. Martin
RAY D. MARTIN
CIRCUIT JUDGE

(EXHIBIT D.)



PAGE (3)

C. McCullough DA



I HAVE REPEATEDLY TRIED TO NOT ONLY GET THE RESULTS OF THESE POST-CONVICTION RULE 32'S BUT ALSO WENT TO EXTREME MEASURES TO MAKE THEM ANSWER THEM AND TO GET THE RESULTS.

THE LAW STATES THAT IN THE RULES OF COURT THE DISTRICT ATTORNEY HAS 30 DAYS TO RESPOND TO AN POST-CONVICTION RULE 32 AFTER NOTIFICATION OF ITS BEEN FILED.

THE LAW ALSO STATES THAT IF THE CIRCUIT COURT REFUSES TO RESPOND TO AN POST-CONVICTION RULE 32 THEN PETITIONER SHOULD BE GRANTED THE RELEASE Sought.

AND WITHIN SUCH ALLEGATIONS IF TRUE, COULD BRING THE PETITIONER RELEASED SOUGHT THE CIRCUIT COURT HEARING & MUST BE HELD.
EXHIBIT D) COMES FROM THE ATTORNEY GENERAL'S ANSWER THE SAID ORDER THE PETITIONER SUBPOSE TO HAVE RECEIVED AROUND NOVEMBER 172005, REASON FOR DISCLOSING IS THAT I DO OVERLY THAT I NEVER RECEIVED THIS ORDER AND THE INFORMATION THAT MR. CHARLES STORY SUBMITTED IN HIS AFFIDAVIT AND MY LETTER ARE THE WRONG DATE TO THE DECISION OF THIS ORDER AT LEAST ONE OF THE TWO CASES WHICH I FURTHER PUSH MY ISSUES FOR PROCEDURE DEFAULT.

**COURT OF CRIMINAL APPEALS
STATE OF ALABAMA**

H. W. "BUCKY" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges



Lane W. Mann
Clerk
Sonja McKnight
Assistant Clerk
(334) 242-4590
Fax (334) 242-4689

CR-04-1241

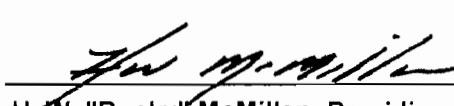
Ex parte Christopher McCullough (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-318.60)

ORDER

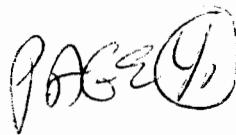
A motion to be granted relief for post conviction Rule 32 was filed on March 25, 2005. The Court of Criminal Appeals is treating the motion as a petition for writ of mandamus. The Court of Criminal Appeals ORDERS that the petitioner in this cause be and the same is hereby given 14 days from the date of this order to file a certificate of service with this Court evidencing his/her compliance with the service requirements of Rule 21(a) of the Alabama Rules of Appellate Procedure. Rule 21(a) requires that the petitioner serve the respondent judge or judges and all parties to the action in the trial court with a copy of the petition. The petitioner's certificate of service shall indicate the name and address of each person served with a copy of the petition, as well as the date and manner of such service.

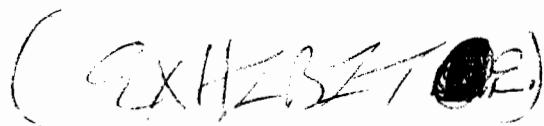
Lastly, the petitioner is hereby placed on notice that in the event this Court has not "received" a certificate of service that conforms to the directives in this order within the 14-day period herein allowed, this petition shall be dismissed for non-compliance with Rule 21(a), Alabama Rules of Appellate Procedure.

Done this the 29th day of March, 2005.


H.W. "Bucky" McMillan, Presiding Judge
Court of Criminal Appeals

cc: Hon. Howard F. Bryan, IV, Circuit Judge
Hon. Charles W. Story, Circuit Clerk
Christopher McCullough, Pro Se
Hon. Troy King, Attorney General
Hon. E. Paul Jones, District Attorney





SUPREME COURT OF ALABAMA

Robert G. Esdale
Clerk
Lynn Knight
Assistant Clerk



Office of the Clerk
300 Dexter Avenue
Montgomery, AL 36104-3741
(334) 242-4609

1041059

Ex parte Christopher McCullough. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: Christopher McCullough, alias v. State of Alabama) (Chambers Circuit Court: CC02-318; Criminal Appeals : CR-03-1103).

NOTICE

You are hereby notified that your case has been docketed. Future correspondence should refer to the above Supreme Court case number. The petition for writ of mandamus was filed with the Supreme Court on 04/14/2005

AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE

Counsel and parties should review recent amendments to the Alabama Rules of Appellate Procedure.

Appellate Mediation: On July 17, 2003, the Supreme Court of Alabama adopted Rule 55, Alabama Rules of Appellate Procedure, which provides for appellate mediation of civil cases. On January 6, 2004, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules. The rules can be accessed at <http://www.judicial.state.al.us>. Any counseled civil case may be referred to appellate mediation by the Appellate Mediation Administrator.

Form Requirements for Documents filed with the Court: The rules amendments, effective June 1, 2002, may be found in the advance sheets of the Southern Reporter dated December 20, 2001, and in the volume of the Alabama Reporter containing cases from 798 - 804 So.2d.

Please note that one recent rule amendment requires that briefs be set in Courier New 13. See Rule 32(a)(5), Ala. R. App. P., as amended. This paragraph is typed in Courier New 13.

Petitions for Writ of Certiorari: Major changes have been made to Rules 39 and 40, governing petitions for writ for writ of certiorari and applications for rehearing. PLEASE FAMILIARIZE YOURSELF WITH THESE CHANGES. See, Douglas Inge Johnstone, The Two Most Common Fatal Defects in Petitions for Writs of Certiorari, 64 Ala. Lawyer 3 (May 2003) and Celeste Sabel, Forget Everything You Knew About Alabama Certiorari Practice, 64 Ala. Lawyer 6 (September 2003).

(EXHIBIT 17.) PG 6

SUPREME COURT OF ALABAMA

Robert G. Esdale
Clerk
Lynn Knight
Assistant Clerk



Office of the Clerk
300 Dexter Avenue
Montgomery, AL 36104-3741
(334) 242-4609

1041123

Ex parte Christopher McCullough. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-318.60; Criminal Appeals : CR-04-1241).

NOTICE

You are hereby notified that your case has been docketed. Future correspondence should refer to the above Supreme Court case number. The petition for writ of mandamus was filed with the Supreme Court on 04/29/2005

AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE

Counsel and parties should review recent amendments to the Alabama Rules of Appellate Procedure.

Appellate Mediation: On July 17, 2003, the Supreme Court of Alabama adopted Rule 55, Alabama Rules of Appellate Procedure, which provides for appellate mediation of civil cases. On January 6, 2004, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules. The rules can be accessed at <http://www.judicial.state.al.us>. Any counseled civil case may be referred to appellate mediation by the Appellate Mediation Administrator.

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(EXHIBIT 7G) (WAG)

IN THE SUPREME COURT OF ALABAMA
May 11, 2005

1041059

Ex parte Christopher McCullough. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: Christopher McCullough, alias v. State of Alabama) (Chambers Circuit Court: CC02-318; Criminal Appeals: CR-03-1103).

ORDER

The petition of Christopher McCullough for a writ of mandamus to be directed to the Alabama Court of Criminal Appeals having been duly filed and submitted to the Court,

IT IS ORDERED that the petition for writ of mandamus is denied.

Nabers, C.J., and Lyons, Woodall, Smith, and Parker, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 11th day of May, 2005

Robert G. Esdale, Sr. ^{as}
Clerk, Supreme Court of Alabama

(EXHIBIT H) PAGE 14

I SUBMIT EXHIBITS E AND F,G,H,
 THESE EXHIBITS THAT UNDER EXTREME
 MEASURES I DID ASCERTAIN THE STATUS
 OF THESE POST-CONVICTION RULE 32¹⁵'S BY
 THE TRIAL COURT DENYING TO EVEN ANSWER
 THE POST-CONVICTION RULE 32'S IN THE
 SAID PETITION FOR CHRISTOPHER McCULLOUGH
 TO MOVE FORWARD TO A MANDAMUS TO THE
 COURT OF CRIMINAL APPEALS TO BE GRANTED
 RELIEF FROM SUCH POST-CONVICTION BECAUSE
 THE CIRCUIT COURT WITHIN A YEAR TIME
 HAD NOT EVEN RESPONDED TO THESE POST-
 CONVICTION RULE 32 PETITIONS SO I
 WENT TO THE HIGHER COURT FOR RELIEF
 AFTER BEING DENIED IN THE COURT OF
 CRIMINAL APPEALS EXHIBIT (7.) VERIFIES
 THAT I REQUESTED THE ALABAMA SUPREME
 COURT FOR THE SAME RELIEF FROM POST-CONVICTION
 RULE 32'S BECAUSE THE CIRCUIT COURT WOULD
 NOT RESPOND APRIL 14, 2005.

APRIL 29, 2005 EXHIBIT (6.) WAS ALSO FILED TO THE ALABAMA
 SUPREME COURT TO DIRECT THE COURT OF
 CRIMINAL APPEALS TO MAKE THE CHAMBERS
 COUNTY CIRCUIT COURT TO ANSWER THE TWO
 POST-CONVICTION RULE 32'S I HAD IN THEIR
 COURT. EXHIBIT (1.) IS VERIFICATION OF
 ME DEALING WITH THE ALABAMA SUPREME COURT
 TO MAKE THE COURT OF CRIMINAL APPEALS TO ORDER

SUPREME COURT OF ALABAMA

Robert G. Esdale
Clerk
Lynn Knight
Assistant Clerk



Office of the Clerk
300 Dexter Avenue
Montgomery, AL 36104-3741
(334) 242-4609

1041781

Ex parte Christopher McCullough. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-318.60; Criminal Appeals : CR-04-1241).

NOTICE

You are hereby notified that your case has been docketed. Future correspondence should refer to the above Supreme Court case number. The petition for writ of mandamus was filed with the Supreme Court on 08/05/2005

AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE

Counsel and parties should review recent amendments to the Alabama Rules of Appellate Procedure, effective June 1, 2005. The amendments can be found in The Southern Reports, Second series, volume numbered 888-890. The amendments can also be found under "Rule Changes" at the Judicial System website at www.judicial.state.al.us.

Appellate Mediation: On July 17, 2003, the Supreme Court of Alabama adopted Rule 55, Alabama Rules of Appellate Procedure, which provides for appellate mediation of civil cases. On January 6, 2004, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules. The rules can be accessed at <http://www.judicial.state.al.us>. Any counseled civil case may be referred to appellate mediation by the Appellate Mediation Administrator.

Form Requirements for Documents filed with the Court: Certain amendments to the Alabama Rules of Appellate Procedure can be found in the volume of the Alabama Reporter containing cases from 798-804 So.2nd. The most recent appellate rules amendments can be found in the volume of the Alabama Reporter containing cases from 888 - 890 So.2nd.

Please note that Rule 32(a)(5) requires that briefs be set in Courier New 13. See Rule 32(a)(5), Ala. R. App. P., as amended. This paragraph is typed in Courier New 13.

Signature on Briefs: Newly adopted Rule 25A, Alabama Rules of Appellate Procedure, requires that appellate documents be signed by at least one attorney of record or, in a case in which the party is proceeding pro se, by the party. The rule provides that any unsigned document shall be stricken unless the omission is promptly corrected after it is called to the attention of the attorney or party filing it.

EXH-B-7676) (RAB)

**COURT OF CRIMINAL APPEALS
STATE OF ALABAMA**

H. W. "BUCKY" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges



Lane W. Mann
Clerk
Gerri Robinson
Assistant Clerk
(334) 242-4590
Fax (334) 242-4689

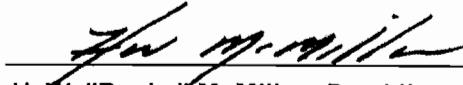
CR-06-0257

Ex parte Christopher McCullough (In re: State of Alabama vs. Christopher McCullough) (Chambers Circuit Court: CC02-189; CC02-304; CC02-312; CC02-318; CC02-325)

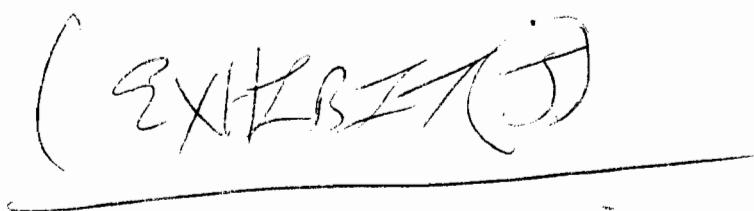
ORDER

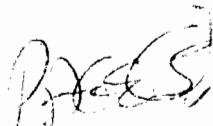
Upon consideration of the above referenced Petition for Writ of Mandamus, the Court of Criminal Appeals ORDERS that said petition be and the same is hereby DISMISSED.

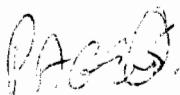
Done this the 4th day of December, 2006.


H.W. "Bucky" McMillan, Presiding Judge
Court of Criminal Appeals

cc: Hon. Charles W. Story, Circuit Clerk
Christopher McCullough, Pro Se
Hon. Joel Holley, District Judge
Hon. Troy King, Attorney General
Hon. E. Paul Jones, District Attorney


(EXHIBIT D)





THE CHAMBERS COUNTY CIRCUIT COURT TO
ANSWER AND RESPOND TO THESE POST-CONVICTION
RULE 32'S AS AN ORDER WAS GIVING DENYING
MY REQUEST. EXHIBIT R.H.S. MAY 11, 2005,
EXHIBIT(I) SHOWS ME ONCE AGAIN
REQUESTING THE ALABAMA SUPREME COURT
TO ORDER THE COURT OF CRIMINAL APPEALS
TO ORDER THE CHAMBERS County CIRCUIT
COURT TO ANSWER THESE POST-CONVICTION
RULE 32'S. AUGUST 5, 2005,

EXHIBIT(J) DENYING ME THE REQUEST ONE
AGAIN TO THE COURT OF CRIMINAL APPEALS
DECEMBER 4, 2006

THIS I DO VERITY THAT I MADE AT LEAST
10 ATTEMPTS TO ASCERTAIN THE STATUS OF
THESE POST-CONVICTION RULE 32'S THE
WHILE TIME THAT THEY WERE ACTIVE IN
THE CHAMBERS COUNTY CIRCUIT COURT.
ALL OF THESE EXHIBITS VERIFY MY
TOTAL CONCERN'S FROM TIME OF FILING
UP TO NOW OF THESE POST-CONVICTION RULE 32'S
THESE FOR PETITIONER HAS DISCLOSED NUMEROUS
OF EXHIBITS TO SUBSTANTIATE THAT HE DID
TRY TO GAIN INFORMATION OF THE STATUS OF
THESE RULE 32'S NUMEROUS OF TIMES OTHER THAN
WRITING THE CIRCUIT CLERK.

I SWEAR TO THE BEST OF MY PRESENT
KNOWLEDGE AND INFORMATION, THAT THE
ABOVE STATEMENTS ARE TRUE, THAT I AM
COMPETENT TO MAKE THIS AFFIDAVIT,
AND THAT THE ABOVE STATEMENTS ARE
MADE BY DRAWING FROM MY PERSONAL
KNOWLEDGE OF THE SITUATION. MAY 13, 2007

Signature, Christopher McCullough
Christopher McCullough PC '95

SWORN TO AND SUBSCRIBED BEFORE
ME THIS THE 19th DAY OF JUNE MONTH
2007,

Wallace Ditt
NOTARY PUBLIC

10/20/08
MY COMMISSION EXPIRES

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I
HAVE SENT AN EXACT SAME COPY OF
THE FOREGOING TO: Troy King
ATTORNEY GENERAL
11 SOUTH UNION STREET
Montgomery, ALABAMA 36130
By PLACING THE SAME IN THE
UNITED STATES MAIL POSTAGE PAID.

Designing Christopher C. McCullough
Christopher C. McCullough
PLS

NOTICE:

I ONLY CAN SUPPLY THE ATTORNEY GENERAL
1 Set of Copies of the Exhibits. But They
Are for both Cases. Each Copy Costs \$0.05 and
I CANNOT afford More than 12 copies.

Christopher McCullough

U.S. DISTRICT COURT
CLERK'S OFFICE
ST. LOUIS, MO

SEARCHED
SERIALIZED
INDEXED
FILED
JUN 25 2007
CLERK'S OFFICE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SEARCHED
SERIALIZED
INDEXED
FILED
JUN 25 2007
CLERK'S OFFICE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

